

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BETTE J. RIVARD, as Administratrix of
the Estate of John A Horton,
Plaintiff,

v.
DARTMOUTH HOUSE OF
CORRECTION, BRISTOL COUNTY,
JOHN DOE, RICHARD ROE, Bristol
County Corrections employees the identity
and number of whom is presently unknown
to the Plaintiff,
Defendants/Third Party Plaintiffs,
v.
PRISON HEALTH SERVICES, INC. and
CORRECTIONAL HEALTH CARE
SOLUTIONS, INC.
Third Party Defendants

Civil Action No.: **04CV12058WGY**

**PLAINTIFF'S MOTION TO
EXTEND DISCOVERY TIME**

Now comes the Plaintiff and moves this Honorable Court to extend the discovery time with respect to the time allowed for written discovery requests to be extended from May 15th, 2005 to September 30th, 2005 with answers for same to be filed within the time provided by the rules and the date for depositions to be completed from September 15th, 2005 to December 15th, 2005 in the above captioned matter and as reasons therefore Plaintiff states:

Plaintiff's attorney, Robert M. Proulx, has not been able to locate a number of witnesses and needs more time to locate said witnesses. Further, Attorney Proulx has not had an opportunity to notice the depositions of a number of witnesses whose testimony is crucial to proving the Plaintiff's case.

The complexity of the litigation that this case presents has become beyond the experience of Plaintiff's counsel and has made it necessary to seek the assistance of co-counsel. Attorney Andrew M. Fischer has accepted the role of acting as co-counsel and needs more time for discovery to properly prepare the Plaintiff's case for trial. Attorney Fischer, who will be entering his appearance in this case upon his return to Boston after Labor Day, will need time to familiarize himself with the facts and witnesses of this case before depositions of the defendants and principles of the corporate defendants.

PLAINTIFF'S MOTION TO EXTEND DISCOVERY

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Defendant's will not be prejudiced in this matter as they have a pending motion to depose a witness Mark Higgins who is an inmate incarcerated in the Bourne House of Correction, Bourne MA and have not yet had an opportunity to depose witnesses before the present deadline for completing depositions.

Dated this the 25th day of August, 2005.

PLAINTIFF,
By her Attorney,



Robert M. Proulx, Esquire
Proulx Law Associates, P.C.
Attorneys at Law
170 High Street, Suite 301
Taunton, Massachusetts 02780-3536
Phone: (508) 823-6441
Fax: (508) 823-6443
BBO# 640653

**Proulx Law
Associates, P.C.
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170 High Street, Suite 301
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(508) 823-6441

CERTIFICATE OF SERVICE

I, Robert M. Proulx, hereby certify that on this date I served a copy of Plaintiff's motion to Extend Discovery on the Defendants by mailing a copy, first class, postage prepaid to Regina M. Ryan, Merrick Louison & Costello, 67 Batterymarch, Boston, MA 02110 and to Mary C. Eiro-Bartevyan, Koufman & Frederick, LLC, 265 Essex Street, Ste. 301, Salem, MA 01970.

Dated this the 25th day of August, 2005.



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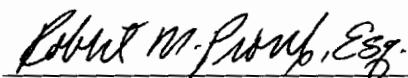
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U.S. DISTRICT COURT
MASSACHUSETTS

**CERTIFICATE OF COMPLAINECE
WITH LOCAL RULES 7.1(a)(2)**

I, Robert M. Proulx, do hereby certify that on August 25th, 2005, I gave notice of Plaintiff's intention to file the foregoing motion to extend discovery by mailing a copy to Regina Ryan, who is counsel for Defendants, Thomas Hodgson, Glen Sturgeon and the Bristol County Sheriffs Office; to Mary C. Eiro-Bartevyan, who is counsel for Defendant Prison Health Services, by mailing copies to each of them.

Signed under the pains and penalties of perjury this 25th day of August, 2005.



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